

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14887 OF 2007

20th July, 2007.

Between:

M. Seetharamaiah.

.. Petitioner.

And

The Joint Collector, Chittoor,
Chittoor District and others.

.. Respondents.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14887 of 2007

ORDER:

This writ petition is filed seeking a declaration that the order dated 27-06-2007 passed by the 1st respondent-Joint Collector, Chittoor, under Section 6-A of the Essential Commodities Act, thereby confiscating the entire seized stock to the Government and also directing the Revenue Divisional Officer to initiate departmental action against the petitioner herein as per the provisions of the Andhra Pradesh State Public Distribution System Control Order, 2001 (for short 'the Order') as arbitrary and illegal.

A perusal of the impugned order shows that though a show cause notice was issued, the petitioner failed to attend the enquiry on 11.6.2007, and no explanation was received within the time specified and accordingly the impugned order was passed on the basis of the material available on record.

The specific case of the petitioner is that the show cause notice dated 28.05.2007 was served on him only on 18.06.2007 calling upon him to attend the enquiry on 11.6.2007. Thus, it is contended that the impugned order, which was passed without affording him an opportunity to explain the allegations specified in the show cause notice is arbitrary and violative of the principles of natural justice.

Pursuant to the order of this Court, the learned Government Pleader for Civil Supplies has produced the record relating to the impugned order, which shows that the plea of the petitioner that the show cause notice dated 28.5.2007 was served on the petitioner on 18.6.2007, is correct. By that date since the Joint Collector had already concluded the enquiry, it is clear that there was no opportunity to the

petitioner to put forth his version in response to the show cause notice dated 28.5.2007. Hence, the impugned order dated 27.6.2007, on the face of it, is illegal being in violation of the principles of natural justice.

Accordingly, the impugned order is set aside and the writ petition is disposed of granting liberty to the petitioner to submit his explanation to the show cause notice dated 28.5.2007 within a period of two weeks from the date of receipt of a copy of this order and, thereafter, the 1st respondent shall pass appropriate orders afresh after conducting necessary enquiry following due process of law. No costs.

(G. ROHINI, J.)

20th July, 2007.
Kgr

